

LC-8000
ENV-3.00

JUL 31 2015

CERTIFIED - RETURN RECEIPT REQUESTED

Ms. Julianne Polanco
California State Historic Preservation Officer
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: Mohave Valley Conservation Area Project, BUR_2014_0421_001

Dear Ms. Polanco:

In May 2014, the Bureau of Reclamation (Reclamation) consulted with your office regarding the Mohave Valley Conservation Area (MVCA) Project (BUR_2014_0421_001). This consultation was undertaken for pits used to evaluate sediments to see if the area was suitable to re-establish native vegetation within a 50 acre parcel of land. Based on the positive results from this work, Reclamation proposes to construct a backwater within the Conservation Area, and continuing consultation with your office.

This project is being undertaken to partially fulfill commitments of the Lower Colorado River Multi-Species Conservation Program; this program balances the use of the Colorado River water resources with the conservation of native species and their habitats. The project will provide backwater habitat for the flannelmouth sucker (*Castotomus latipinnis*) and two endangered species of native Colorado River fish, the razorback sucker (*Xyrauchen texanus*) and the bonytail chub (*Gila elegans*). The habitat will also benefit numerous migratory bird species.

The Area of Potential Effect (APE) is 50 acres on the Lower Colorado River near Needles, California, within the northern portion of Moabi Regional Park and northwest of Topock, Arizona (Enclosure 1 and 2). The site is approximately 13 miles south of Needles, California, between river miles 237 and 236, San Bernardino County, Section 6, Township 7 N, and Range 24 E. The activities planned for the parcel are grading and contouring the land, creating a backwater channel, and adding water control structures at the inlet and outlet of the project area (Enclosure 2). All excavated sediments will remain within the project boundaries.

The MVCA lands are composed of sediment spoils from dredging efforts conducted by Reclamation. Dredging of the Colorado River upstream of Topock Gorge has been done by Reclamation to prevent flooding. Reclamation mechanically dredged the river sediments and deposited the dredge spoil materials at the river's margins. Sediments accumulate downstream

of the Mohave Valley, upstream of Topock Gorge, often prohibiting river navigation, leading to upstream flooding, and inadequate water delivery to downstream users.

In previous consultation with your office, Reclamation presented cultural resource identification efforts undertaken for the MVCA. To summarize, a site files search indicated that no previously recorded archaeological resources were within the APE. A pedestrian surface survey conducted in 2011 during improvements to the adjacent Park Moabi Regional Park indicated that there were no cultural resources in the project APE.

Tribal consultation letters were mailed on May 20, 2015 (Enclosure 3). One reply has been received from the Hopi Tribe (Enclosure 4). On March 28, 2014, Reclamation contacted the Native American Heritage Commission (Enclosure 5) and individual tribal letters were also mailed at that time; no properties were identified during all of these consultation efforts.

Per 36 CFR §800.4(d)(1) Reclamation has determined there will be no historic properties affected by the project. Should you have questions about this project, please contact me at 702-293-8555 or at jswett@usbr.gov and/or Mr. Mark C. Slaughter at 702-293-8143 or at mslaughter@usbr.gov.

Sincerely,



John Swett
Program Manager
Lower Colorado River
Multi-Species Conservation Program

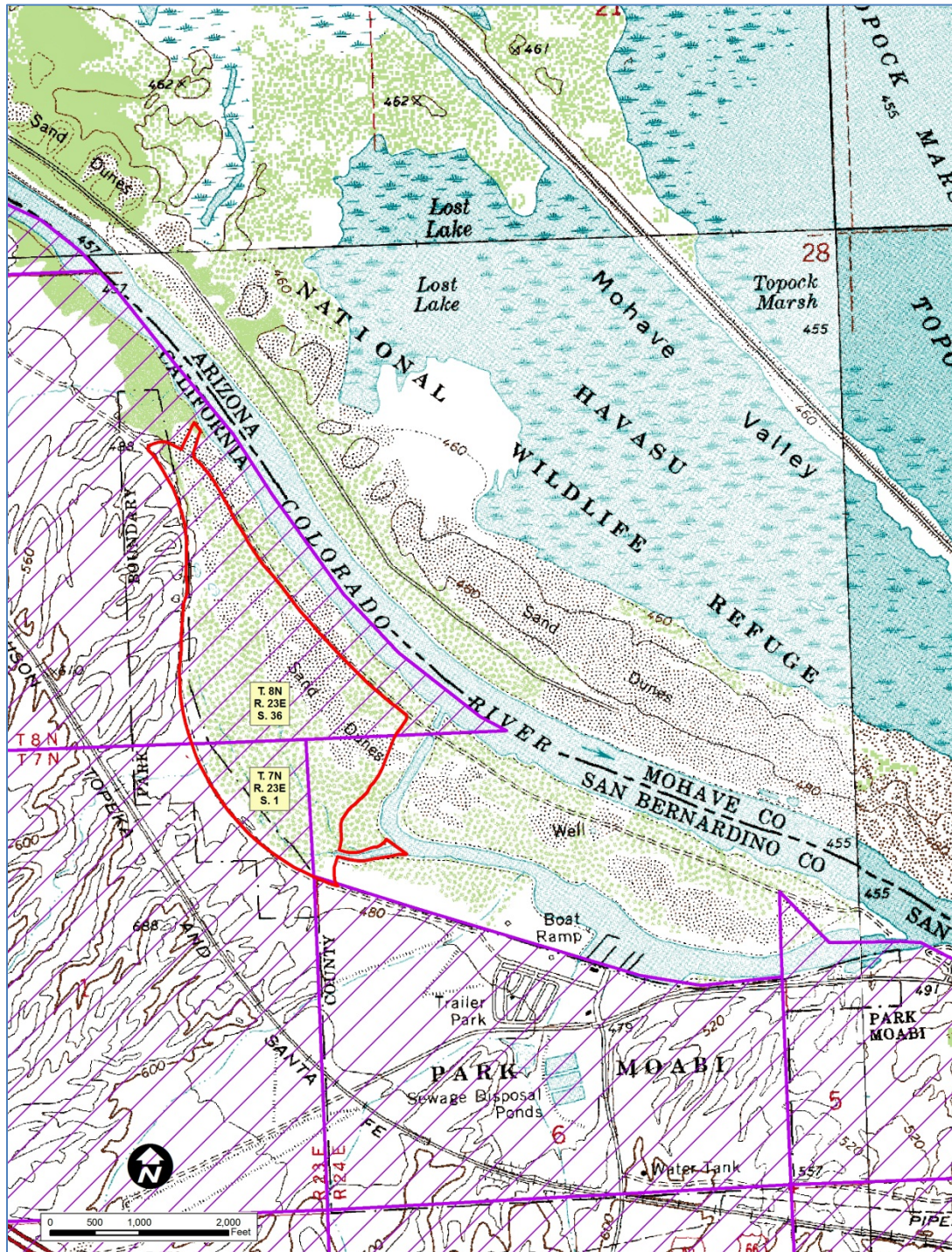
Enclosures - 5

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(w/o encl to each)

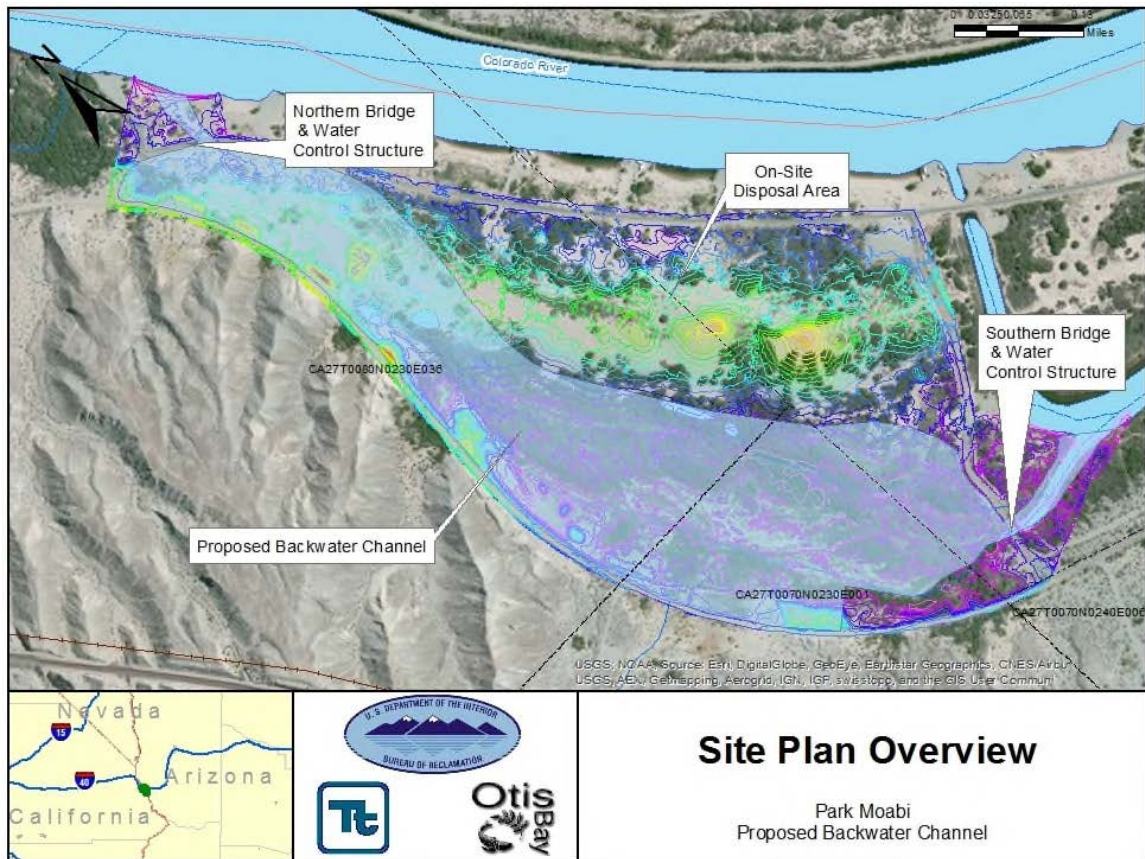
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[http://lcrmscp/ps/sites/MSCP/8000/Shared Documents/Correspondence/Document Tracker/Restoration Group/L Anderson/SHPO Letter Mohave Valley Ecological Back Water Project Area \(LA\).docx](http://lcrmscp/ps/sites/MSCP/8000/Shared Documents/Correspondence/Document Tracker/Restoration Group/L Anderson/SHPO Letter Mohave Valley Ecological Back Water Project Area (LA).docx)

Enclosure 1. Mojave Valley Backwater Conservation Area Project Location.



Enclosure 2. Mojave Valley Backwater Conservation Area Site Plan.



Enclosure 3. Tribal Mailing List

Edward D. "Tito" Smith, Chairman
Chemehuevi Indian Tribe
P. O. Box 1976, Havasu Lake, CA 92363

Sherry Cordova, Chairperson
Cocopah Indian Tribe
Somerton, AZ 85350

H. Jill McCormick, Cultural Resource Manager
Cocopah Indian Tribe
Somerton, AZ 85350

Wilene Fisher-Holt, Tribal Historic Preservation Officer
Colorado River Indian Tribes
Parker AZ 85344

Timothy Williams, Chairman
Fort Mohave Indian Tribe
Needles, CA 92363

Linda Otero, Director, Ahamakav Cultural Society
Fort Mohave Indian Tribe
P. O. Box 5990, Mohave Valley, AZ 86440

Leigh Kuwanwisiwma, Director, Cultural Preservation Office
Hopi Tribe of Arizona
P. O. Box 123, Kykotsmovi, AZ 86039

Loretta Jackson-Kelly, Tribal Historic Preservation Officer
Hualapai Tribe
P. O. Box 310, Peach Springs, AZ 86434

John Bathke, Quechan Tribal Historic Preservation Officer
Fort Yuma Quechan Tribe
P. O. Box 1899, Yuma, AZ 85366-1899

Enclosure 4. Hopi Tribe Response.



IN REPLY REFER TO:

LC-8000
ENV-3.00

United States Department of the Interior 1C001-0615

BUREAU OF RECLAMATION
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

MAY 20 2015

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CERTIFIED - RETURN RECEIPT REQUESTED

Ms. Leigh Kuwanwisiwma
Director
Cultural Preservation Office
Hopi Tribe of Arizona
P. O. Box 123
Kykotsmovi, AZ 86039

Subject: Mohave Valley Backwater Conservation Area Project

Dear Ms. Kuwanwisiwma:

In May 2014, the Bureau of Reclamation consulted with your office about the Mohave Valley Backwater Conservation Area (MVCA). The earlier consultation was for the excavation pits to see if the location could be used to re-establish vegetation native to the Colorado River. Based on the results of this work, Reclamation proposes to construct a backwater within the conservation area.

The project is being undertaken to help fulfill commitments of the Lower Colorado River Multi-Species Conservation Program (LCR MSCP); this program balances the use of the Colorado River water resources with the conservation of native species and their habitats. The MVCA project will provide habitat for the flannemouth sucker (*Castotomus latipinnis*), the razorback sucker (*Xyrauchen texanus*) and the bonytail chub (*Gila elegans*). The habitat will also benefit numerous migratory bird species.

The 50 acres of connected backwater habitat is on the lower Colorado River near Needles, California, within Moabi Regional Park, northwest of Topock, Arizona (see Enclosure 1). The proposed conservation area is approximately 13 miles south of Needles, California, between river miles 237 and 236, San Bernardino County, Section 6, Township 7 N, and Range 24 E.

The MVCA lands are composed of sediment spoils from dredging efforts conducted by Reclamation. Dredging of the Colorado River upstream of Topock Gorge has been done by Reclamation to prevent flooding. Reclamation mechanically dredged the river sediments and deposited the dredge spoil materials at the river's margins.

No previously recorded archaeological sites have been identified in the project area. A recent pedestrian surface survey conducted in 2011 for the expansion of the facilities at Park Moabi Regional Park did not identify sites in the project area.

As shown in Enclosure 2, creation of the MVCA backwater involves mechanical excavation, planting of MSCP native land cover types, creation of a gravel boat ramp, and construction of two water control structures. All excavated materials will remain on site, along the northeastern portion of the project area. Reclamation biologists will monitor the site, and signs will be used to educate the public and define public access.

Should you have questions regarding the project, please contact me at 702-293-8555 or at jswett@usbr.gov and/or Mr. Mark C. Slaughter at 702-293-8143 or at mslaughter@usbr.gov.

Sincerely,

no historic properties
significant to the
Hopi Tribe affected

John Swett
Per
Kuwawichewa

John Swett

John Swett
Program Manager
Lower Colorado River
Multi-Species Conservation Program

Enclosures

6-2-15

Identical Letters Sent To:


Mr. Edward D. "Tito" Smith
Chairman
Chemehuevi Indian Tribe
P. O. Box 1976
Havasupai Lake, CA 92363

Ms. Sherry Cordova
Chairperson
Cocopah Indian Tribe
[REDACTED]
Somerton, AZ 85350

Ms. H. Jill McCormick
Cultural Resource Manager
Cocopah Indian Tribe
[REDACTED]
Somerton, AZ 85350

Ms. Wilene Fisher-Holt
Tribal Historic Preservation Officer
Colorado River Indian Tribes
[REDACTED]
Parker AZ 85344

Enclosure 5. Native American Heritage Commission response.

<p>STATE OF CALIFORNIA</p> <p>NATIVE AMERICAN HERITAGE COMMISSION</p> <p>1550 Harbor Boulevard, Suite 100 West Sacramento, CA 95691 (916) 373-3715 Fax (916) 373-5471 www.nahc.ca.gov e-mail: ds_nahc@pacbell.net</p>	<p>Edmund G. Brown, Jr. Governor</p> 
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March 28, 2014

Mr. Mark C. Slaughter, Archaeologist

U.S. Bureau of Reclamation, Lower Colorado Regional Office

500 Fir Street
Boulder City, NV 89006-1470

Sent by FAX to: 702-293-8418
No. of Pages: 3

RE: Sacred Lands File Search and Native American Contacts list for the **"Mojave Valley Backwater Conservation Area Project (Data Collection via 19 backhoe pits to Collect Groundwater & Soil Samples);"** located near the Topock Gorge above the City of Needles on the California side of the Colorado River County, California

Dear Mr. Slaughter:

The Native American Heritage Commission (NAHC) has reviewed the above referenced project. The National Environmental Policy Act (NEPA 42 U.S.C 4321-43351) and Section 106 of the National Historic Preservation Act (16 U.S.C 470 *et seq.*), 33 CFR Part 330 and 36 CFR Part 800.14(b) require consultation with culturally affiliated Native American tribes to determine if the proposed project may have an adverse impact on cultural resources. To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission notes the following:

Contact has been made to the Native American Heritage Commission (NAHC) for:

- A list of appropriate and culturally affiliated Native American Contacts for consideration as 'consulting parties regarding the project site, pursuant to 36 CFR, Part 800.w(c)(2), has been provided and is attached to this letter.
- A Sacred Lands File search failed to identify Native American traditional cultural places or properties in the USGS coordinates provided (e.g. 'area of potential effect' or APE.). Note that lack of additional surface evidence of archeological resources does not preclude their subsurface existence once ground-breaking activity begins. If that occurs, the NAHC suggests that inadvertent discoveries of human remains comply with California Health & Safety Code 7050.5 and Public Resources Code Section 5097.98 and coordinate with the NAHC. Federal NAGPRA may apply if on federal land. This project site is considered culturally sensitive by local tribes.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Dave Singleton,
Program Analyst

**Native American Contacts
San Bernardino County California
March 28, 2014**

Twenty-Nine Palms Band of Mission Indians
Darrell Mike, Chairperson
[REDACTED]
Coachella, CA 92236

Chemehuevi

Colorado River Indian Tribe
Dennis Patch, Chairman
[REDACTED]
Parker, AZ 85344

Mojave
Chemehuevi

Joseph R. Benitez (Mike)
P.O. Box 1829
Indio, CA 92201

Chemehuevi

AhaMaKav Cultural Society, Fort Mojave Indian
Linda Otero, Director
P.O. Box 5990
Mohave Valley AZ 86440

Mojave

Chemehuevi Reservation
Edward Smith, Chairperson
P.O. Box 1976
Chemehuevi Valley CA 92363

Chemehuevi

San Manuel Band of Mission Indians
Daniel McCarthy, M.S., Director-CRM Dept.
[REDACTED]
Highland, CA 92346

Serrano

Fort Mojave Indian Tribe
Timothy Williams, Chairperson
[REDACTED]
Needles, CA 92363

Mojave

Fort Mojave Indian Tribe
Nora McDowell, Aha Makav Society
P.O. Box 5990
Needles, CA 92363

Mojave

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting locative Americans with regard to cultural resources for the proposed Mojave Valley Backwater Conservation Area Data Collection (of Groundwater and Soil Samples) Project; located near the Toek Gorge near the Fort Mojave Indian Reservation on the California side of the Colorado River; San Bernardino County, California.

**Native American Contacts
San Bernardino County California
March 28, 2014**

Ah-Mut-Pipa Foundation
Preston J. Arrow-weed
P.O. Box 160
Bard , CA 92222

Quechan
Kumeyaay

MOAPA Band of Paiutes
William Anderson, Chairperson
P.O. Box 340
Moapa , NV 89025

Paiute

www.moapabandofpaiute-nsn.gov

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
Banning , CA 92220

Serrano
Cahuilla

Pahrump Paiute Tribe
Richard Arnold, Chairperson
P.O. Box 3411
Pahrump , NV 89041-

Paiute

Las Vegas Paiute Tribe
Attn: Cultural Resources Department
Las Vegas , NV 89106

Paiute

Twenty-Nine Palms Band of Mission Indians
Anthony Madrigal, Jr, THPO Officer
Coachella , CA 92236

Chemehuevi

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local American Indians with regard to cultural resources for the proposed Mojave Valley Backwater Conservation Area Data Collection (of Groundwater and Soil Samples) Project; located near the Tock Gorge near the Fort Mojave Indian Reservation on the California side of the Colorado River; San Bernardino County, California.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



September 1, 2015

In reply refer to: BUR_2014_0421_001

Mr. John Swett
Bureau of Reclamation
Lower Colorado River Regional Office
Multi-Species Conservation Program
P.O. Box 61470
Boulder City, NV 89006-1470

Re: National Historic Preservation Act (NHPA) Section 106 Consultation for the Mohave Valley Conservation Area Project (BUR_2014_0421_001)

Dear Mr. Swett:

Thank you for your letter dated July 31, 2015, requesting my review and comment with regard to the proposed Mohave Valley Conservation Area (MVCA) Project on the Lower Colorado river near Needles, California. The Bureau of Reclamation (Reclamation) is continuing consultation with me pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800 (as amended 8-05-04), for the construction above mentioned proposed undertaking. Along with your consultation letter, you also provided the following documents:

- *Mohave Valley Backwater Conservation Area Project APE maps,*
- *Tribal Mailing list,*
- *Hopi Tribe Response, and*
- *California Native American heritage Commission Response (D. Singleton, March 28, 2014).*

In May of 2014, Reclamation consulted with my office regarding the MVCA. This initial consultation was undertaken regarding the excavation of 15 test pits used to evaluate sediments within the project area to determine if the area was suitable to re-establish native vegetation with a 50 acre parcel of land. At that time, my office found your identification efforts sufficient, had no objections to the delineated APE, and concurred with your *Finding of No Historic Properties Affected*.

Reclamation is continuing consultation with my office regarding the proposed construction of a backwater within the Conservation Area. The project is being undertaken to partially fulfill commitments of the Lower Colorado River Multi-Species Conservation Program. In addition to providing habitat for migratory birds, the project will provide backwater habitat for the flannelmouth sucker (*Castotomus latipinnis*) and two endangered species of native Colorado River fish, the razorback sucker (*Xyranthen texanus*) and the bonytail chub (*Gila elegans*). The activities planned within the project area include grading and contouring the land, creating a backwater channel, and adding water control structures at the inlet and outlet of the project area (as illustrated in the provided technical documents). All excavated sediments will remain within the project boundaries.

Reclamation has determined that the area of potential effects (APE) for this undertaking is the entire 50 acre project area on the lower Colorado River, within the northern portion of Moabi Regional Park (as illustrated in the provided technical documents) and includes all ground-disturbing activities associated with project implementation, construction staging areas, and access routes.

Archival research was conducted of Reclamation cultural resource files. No previously recorded archaeological resources were identified with the APE. A pedestrian surface survey was conducted in 2011 during improvements to Moabi Regional Park. No cultural resources were identified in the project APE. Reclamation initiated tribal consultation in May, 2015 and no potential historic properties were identified through your Native American consultation efforts.

As a result of the identification efforts, no historic properties were identified in the APE and, pursuant to 36 CFR 800.4(d)(1), Reclamation has found that no historic properties will be affected by the proposed undertaking. Reclamation is requesting my review and comment on the delineation of the APE, their efforts to identify historic properties, and is seeking my concurrence with their finding that the proposed undertaking will result in no historic properties affected. After reviewing your submission I have the following comments:

- Pursuant to 36 CFR 800.4(a)(1), I have no objections to the APE as defined.
- Pursuant to 36 CFR 800.4(b), I find that Reclamation has made a reasonable and good faith effort to identify historic properties within the area of potential effects.
- Pursuant to 36 CFR 800.4(d)(1)(i), **I do not object with your finding of no historic properties affected for this undertaking.**

Thank you for seeking my comments and considering historic properties as part of your project planning. Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, Reclamation may have additional future responsibilities for this undertaking under 36 CFR Part 800. If you have any questions, please contact Patrick Riordan of my staff at (916) 445-7017 or Patrick.Riordan@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer